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MEMO ENDORSED

VIA ECF

October 14, 2022

The Honorable Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Iowa Pub. Emps.' Ret. Sys. et al. v. Bank of Am. Corp. et al.,
No. 17-cv-6221 (KPF)

Dear Judge Failla :

Section 9 of the Protective Order (Dkt. No. 150), as amended by the Supplemental Stipulated Protective Order (Dkt. No. 228), provides that for any filing that quotes or refers to discovery material that has been designated Confidential, Highly Confidential, or Highly Confidential Data, the party “shall request to file such documents or portions thereof containing or making reference to such material or information in redacted form or under seal.” Consistent with the process this Court approved for such requests (Dkt. No. 408), the Parties now move for sealing or redaction of Defendants’ Response to Plaintiffs’ Limited Objection to Part IV.D of Magistrate Judge Cave’s Report and Recommendation (Dkt. No. 595), the Declaration of Michael A. Paskin in Support of Defendants’ Response (Dkt. No. 596), and Exhibit 1 to the Declaration (Dkt. No. 596-1) (collectively “Defendants’ Response”). The Parties’ justifications for sealing or redacting those materials under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006), and its progeny are as follows.

Defendants’ Justifications and Designations

Defendants’ Response quotes from, discusses, and makes reference to the substance of documents and data designated “Confidential” and “Highly Confidential” under the Parties’ January 2, 2019 Protective Order (Dkt. No. 150), and “Highly Confidential Data” under the Parties’ October 30, 2019 Supplemental Protective Order (Dkt. No. 228). Such materials include trade secrets, other confidential research, development, or commercial information, and other private or competitively sensitive information, including personal data. Accordingly, Defendants request that the marked portions of Defendants’ Response be filed in redacted form, and that Exhibit 1 be filed entirely under seal. This is in accordance with Section 9 of the Protective Order, which provides that for “papers containing or making reference to the substance of

ERROR! REFERENCE SOURCE NOT FOUND.

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["Confidential", "Highly Confidential", or "Highly Confidential Data"] material or information, [a Party] shall request to file such documents or portions thereof containing or making reference to such material or information in redacted form or under seal."

Plaintiffs' Justifications and Designations

Defendants' Response quotes from, discusses, and refers to discovery material produced by Plaintiffs subject to confidentiality designations, which include trade secrets, other confidential research, development, or commercial information, or other private or competitively sensitive information, including personal data. Accordingly, Plaintiffs request that the marked portions of Defendants' Objections be filed in redacted form and/or under seal, pursuant *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) and its progeny.

Respectfully submitted,

/s/ Richard Schwed

Richard Schwed
SHEARMAN & STERLING LLP

Application GRANTED. The Clerk of Court is directed to maintain docket entries 595 and 596, as well as Exhibit 1 to docket entry 596, under seal, viewable only to the parties and the Court.

The Clerk of Court is directed to terminate the motion at docket entry #601.

Dated: October 14, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE